

1 The Honorable Judge Pechman
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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON AT SEATTLE
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11 TRAVELERS PROPERTY CASUALTY
12 COMPANY OF AMERICA, a foreign
13 insurance company,

14 Plaintiffs,

15 v.

16 NORTH AMERICAN TERRAZZO, INC., a
17 Washington Corporation,

18 Defendants.

19 NORTHERN AMERICAN TERRAZZO, INC., a
20 Washington Corporation,

21 Third Party Plaintiff,

22 v.

23 TERRAZZO & MARBLE SUPPLY CO. OF
ILLINOIS, a foreign corporation,

Plaintiff Travelers Property Casualty Company of America (hereinafter "Travelers") and
Defendant North American Terrazzo (hereinafter "NAT") (collectively referred to as "The
Parties") hereby submit the following proposed order and discovery plan pursuant to the Court's
Minute Entry of July 30, 2020 (Dkt. 77). Specifically, the Parties request that the following

1 No. 2:19-cv-1175 MJP

2 **ORDER AND JOINT
3 DISCOVERY PLAN**

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1 schedule be entered:

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|--|--------------------|
| 2 All motions related to discovery must be filed | September 15, 2020 |
| 3 and noted on the motion calendar of the third | |
| Friday thereafter (see CR7(d)) | |
| Discovery Complete by | September 15, 2020 |

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5 **I. Motions Currently Before the Court and Discovery Plan**

6 Currently before this Court are two Motions for Summary Judgment:

7 1. Travelers Motion for Partial Summary Judgment regarding Coverage

8 2. NAT's Motion for Partial Summary Judgment regarding its Extra-Contractual

9 Claims

10 Both of these pending motions are noted for August 14, 2020. In addition to the above

11 motions, Travelers plans on bringing an additional Motion for Summary Judgment regarding

12 NAT's extra-contractual claims. This motion will be noted for August 28, 2020. Travelers plans

13 on filing a motion for leave to file a contemporaneous motion in hopes that the Court will

14 consider all of the pending motions together.

15 Additionally, the parties have been working diligently to complete depositions. Given the

16 pending Motions, the parties believe it would be in the best interest of all the parties to delay the

17 depositions that are not needed to respond to the pending Motions until after the Motions noting

18 date.

19 The remaining depositions are as follows:

20 NAT plans on deposing the following witnesses:

21 A. William Partin – TBD by mutual agreement

22 B. Scott McClellan – TBD by mutual agreement

23 C. Steve Strzelec – TBD by mutual agreement

1 D. James Phillips – TBD by mutual agreement

2 E. Jason Soderman – TBD by mutual agreement

3 NAT reserves the right to depose additional witnesses as needed, and reserves all rights
4 regarding depositions already taken.

5 Travelers plans on deposing the following deponents:

6 A. Randy Rubenstein – August 6, 2020

7 B. J. Kay Thorne – August 13, 2020

8 C. Bruce Gilbert – August 27, 2020

9 D. Marnie Silver – September 2, 2020

10 E. Red Jensen – September 3, 2020

11 Travelers reserves the right to depose additional witnesses as needed, and reserves all
12 rights regarding depositions already taken.

13 Dated this 31st day of July, 2020.

14 LETHER LAW GROUP

15 s/ Thomas Lether

16 s/ Eric Neal

17 Thomas Lether, WSBA #18089

18 Eric J. Neal, WSBA#31863

19 1848 Westlake Ave N., Suite 100

Seattle, WA 98109

20 P: 206-467-5444 / F: 206-467-5544

21 eneal@letherlaw.com

22 tlether@letherlaw.com

23 *Counsel for Travelers Property*

Casualty Company of America

ASHBAUGH BEAL

s/Robert S. Marconi

Robert S. Marconi, WSBA #16369

Ashbaugh Beal

701 5th Avenue, Suite 4400

Seattle, WA 98104

bmarconi@ashbaughbeal.com

Counsel for North American Terrazzo

III. ORDER

Specifically, the Court ORDERS that the following schedule be entered:

| | |
|---|--------------------|
| All motions related to discovery must be filed and noted on the motion calendar of the third Friday thereafter (see CR7(d)) | September 15, 2020 |
| Discovery Complete by | September 15, 2020 |

IT IS SO ORDERED.

DATED this 31st day of July, 2020.

Walter F. Pechman
The Honorable Judge Pechman
United States District Judge

Dated this 31st day of July, 2020.

LETHER LAW GROUP

s/ Thomas Lether

s/ Eric Neal

Thomas Lether, WSBA #18089

Eric J. Neal, WSBA#31863

1848 Westlake Ave

Seattle, WA 98109

P: 206-467-5444 / F

eneal@letherlaw.com

tlether@letherlaw.com

Counsel for Traveler

ASHBAUGH REAI

s/Robert S. Marconi

Robert S. Marconi, WSBA #16369

Ashbaugh Beal

701 5th Avenue, Suite 4400

Seattle, WA 98104

bmarconi@ashbaughbeal.com

Counsel for North American Terrazzo

CERTIFICATE OF SERVICE

The undersigned hereby certifies under the penalty of perjury under the laws of the State of Washington that on this date I caused to be served in the manner noted below a true and correct copy of the foregoing on the parties mentioned below as indicated:

Richard T. Beal, Jr.
Robert S. Marconi
Ashbaugh Beal LLP
701 5th Ave Ste 4400
Seattle, WA 98104
RBeal@ashbaughbeal.com
Rmarconi@ashbaughbeal.com
Attorney for North American Terrazzo, Inc.

By: **First Class Mail** **ECF/ E-mail** **Legal Messenger**

Dated this 31st day of July, 2020 at Seattle, Washington.

s/ Lina Wiese
Lina Wiese | Paralegal